

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 STEPHEN W. GREEL, No. C 08-04474 CW (PR)

4 Petitioner, ORDER REGARDING IN FORMA  
5 PAUPERIS MOTION

6 v.

7 MICHAEL MARTEL, Warden,

8 Respondent. \_\_\_\_\_/

9 Petitioner filed a pro se petition for a writ of habeas corpus  
10 pursuant to 28 U.S.C. § 2254. On that same date, the Clerk of the  
11 Court sent Petitioner a notice directing him to pay the filing fee  
12 or to file a completed in forma pauperis (IFP) application.  
13 Petitioner filed an IFP application and a prisoner trust statement;  
14 however, Petitioner did not file a copy of the Certificate of  
15 Funds.

16 The Court cannot conduct an initial review of this matter  
17 until Petitioner has either paid the filing fee or submitted a  
18 complete IFP application. See 28 U.S.C. § 1915(a) (a party is  
19 permitted to file a civil action in federal court without  
20 prepayment of fees or security if he makes affidavit that he is  
21 unable to pay such fees or give security therefor). If the  
22 petitioner is a prisoner who alleges that he is unable to pay the  
23 full filing fee at the time of filing, he must submit: (1) an  
24 affidavit that includes a statement of all assets he possesses, and  
25 (2) a certified copy of the trust fund account statement for the  
26 prisoner for the six-month period immediately preceding the filing  
27 of the action, obtained from the appropriate official of each  
28 prison at which the prisoner is or was confined. See id.

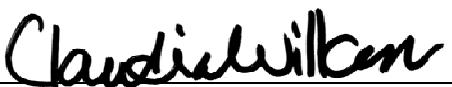
1 § 1915(a)(1), (2). If the Court determines that the petitioner is  
2 unable to pay the full filing fee at the time of filing, the  
3 petitioner will be granted leave to proceed IFP.

4 Therefore, before the Court will proceed to review the  
5 complaint Petitioner is hereby ORDERED to file a copy of the  
6 Certificate of Funds. He shall include with this document a clear  
7 indication that it is for the above-referenced case number,  
8 C 08-04474 CW (PR). Petitioner shall do so within thirty (30) days  
9 of the date of this Order.

10 Failure to file a copy of Petitioner's Certificate of Funds as  
11 ordered herein by the thirty-day deadline shall result in the  
12 dismissal of this action without prejudice.

13 IT IS SO ORDERED.

14 DATED: 12/16/08

15   
CLAUDIA WILKEN  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN W. GREEL,

**Plaintiff,**

Case Number: CV08-04474 CW

V.

MICHAEL MARTEL et al.

Defendant.

## **CERTIFICATE OF SERVICE**

7 MICHAEL MARTEL et al,  
8 Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on December 16, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
located in the Clerk's office.

15 Stephen W. Greel V96682  
Mule Creek State Prison  
P.O. Box 40900  
Ione, CA 95640

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Dated: December 16, 2008

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk